

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CHRISTINA J. MIESS, et al.

Plaintiffs,

v.

PORT CITY TRUCKING, INC., et al.

Defendants.

Case No. 4:09CV1124 CDP

*Dennis  
Cathie D. Long  
3/16/12*

**MOTION IN LIMINE OF PLAINTIFF MIESS**

COMES NOW Plaintiff Christina J. Miess, by and through her attorneys, Aaron Sachs and Associates, P.C., and to the extent Document 36 required the earlier filing of this document hereby moves the Court to permit the filing of this document. Plaintiff Miess hereby moves *in limine* to enter an Order excluding from evidence at the evidentiary hearing scheduled for March 16, 2012, all of the following:

1. Any and all evidence, reference, insinuation, suggestion, or argument regarding any alleged sexual activity, proclivity, reputation, or any other aspect of past or present sexual activity of Plaintiff Miess.
2. Any and all witnesses, documents and evidence not identified or disclosed in a Rule 26(a) disclosure, Rule 26(e) supplement, or otherwise produced prior to the close of discovery, including but not limited to expert witnesses, fact witnesses, medical records, medical reports, employment records, tax records, social security records, correspondence, photographs, videos, recordings, or any other evidence not produced under the discovery rules and applicable Orders of this Court.

3. Any and all deposition designations offered by Plaintiffs Barton, Scheider and Huffman including but not limited to those in documents 193, 202 and 203 and further, an Order overruling the objections in documents 193, 202 and 203 to Plaintiff Miess' deposition designations contained in document 181, because this Court has previously ruled on these designations [document 191].

WHEREFORE Plaintiff Miess moves the Court for an Order excluding any reference whatsoever to past or present sexual activity of Plaintiff Miess, for an Order excluding any and all evidence and witnesses not identified under Rule 26(a) or (e) and not disclosed prior to the close of discovery, and for an Order excluding Plaintiffs Barton, Scheider, and Huffman's deposition designations and overruling objections to Plaintiff Miess' designations, and for whatever additional relief in law or equity that the Court deems proper in the premises.

Respectfully Submitted,

AARON SACHS & ASSOCIATES, P.C.

By: s/ Joel A. Block  
Joel A. Block  
MissouriBar No: 50909  
Email: [joel@autoinjurv.com](mailto:joel@autoinjurv.com)  
3271 E. Battlefield, Suite 350  
Springfield, MO65804  
Telephone: (417) 889-1400  
Fax: (417) 889-5359  
**Attorneys for Plaintiff Miess**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 16<sup>th</sup> day of March 2012, the foregoing Motion was served upon counsel listed below by Notice of Electronic Filing via the CM/ECF system of the United States Federal Court for the Eastern District of Missouri.

Laurel Stevenson  
LATHROP & GAGE  
1845 S. National  
P.O. Box 4288  
Springfield, MO65808-4288  
Phone: 417-877-5917  
Fax: 417-886-9126  
**Attorneys for Defendants PortCity  
Trucking, Inc. and Alvin Lewis**

Randy Scheer  
HUSCH BLACKWELL SANDERS, LLP  
901 St. Louis Street, Suite 1900  
Springfield, MO65806  
Phone: 417-268-4000  
Fax: 417-268-4040  
Springfield, MO65806  
**Attorneys for Defendant MARS, Inc.**

David Forkner  
WILLIAMS & CONNOLLY, LLP  
725 Twelfth Street, NW  
Washington, DC20005-9501  
Phone: 202-434-5316  
Fax: 202-434-5029  
**Attorneys for Defendant MARS, Inc.**

Chandler Gregg  
STRONG GARNER & BAUER  
415 E. Chestnut Expressway  
Springfield, MO65802  
Phone: 417-887-4300  
Fax: 417-887-4385  
**Attorneys for Richard Huffman,  
William Scheider and Mark Barton**

AARON SACHS & ASSOCIATES, P.C.

By: s/ Joel A. Block  
Joel A. Block